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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Defendant.

Date of birth:

)
)
) No.
)
) Order for Felony Competency
) Restoration Treatment
) Inpatient (CRORIP)
)
) Outpatient (CROROP)
)
) Clerk's action required:
) paragraphs 4, 5, 9, and 12
)

The court has reviewed the report of DSHS dated _____, considered the representations of counsel, and considered the demeanor and presentation of the defendant.

The court considered the following additional information: _____

The court enters the following regarding the defendant's competency:

Findings of Fact:

1. Incompetency.

The court finds by a preponderance of the evidence that, as a result of mental disease or defect, the defendant lacks the capacity to:

- understand the nature of the proceedings against him/her, and/or
- assist in his/her own defense as a result of mental disease or defect.

The defendant is incompetent pursuant to RCW 10.77.010 and 10.77.050.

1 **2. Developmental Disability.** (Check only if applies.)

2 The court has been advised by _____ that the
3 defendant may have a developmental disability.

4 **Conclusions of Law:**

5 **3.** Competency restoration treatment is appropriate under RCW 10.77.086.

6 **The Court Orders:**

7 **4. Competency Restoration Treatment.**

8 The court orders the defendant into a program for restoration of competency, as described
9 below. Any facility or provider providing services in accordance with this order shall be
10 referred to as the "treatment facility." The treatment facility shall promptly notify the court
and all parties of the date on which the competency restoration period commences by
admission to the treatment facility and expires by discharge from the treatment facility so that
a timely hearing date may be scheduled.

11 **A. Nature of Treatment** (select one):

12 **Inpatient Treatment (CRORIP)**

13 The defendant shall be placed in the custody of the Secretary of the Department of Social
14 and Health Services (DSHS) to undergo competency restoration under RCW 10.77.086.
The length of the placement includes only the time the defendant is actually at the
treatment facility and shall be in addition to reasonable time for transport to or from the
treatment facility.

15 **Outpatient Treatment (CROROP)**

16 Note: Outpatient competency restoration programs are being phased in over several
17 years. Before the court orders outpatient competency restoration treatment, please
18 check with DSHS. *There is currently is no Outpatient Competency Restoration
Program in King County.*

19 The defendant is clinically appropriate for outpatient competency restoration treatment.
20 The defendant shall be placed on conditional release for up to 90 days for restoration of
21 competency under RCW 10.77.086. The defendant must reside in housing approved by
DSHS, adhere to medications or receive prescribed intramuscular medication, abstain
from alcohol and unprescribed drugs, and follow other rules and conditions for
participation established by DSHS.

22 **Outpatient Treatment by DSHS:** DSHS has certified, as of the date of this order,
23 that there is an available appropriate outpatient restoration program that has adequate
space for the defendant at the following outpatient restoration program:

- 1 _____
- 2 **Outpatient Treatment under the guidance and control of a professional person**
- 3 **appointed by the court.**

4 **B. Treatment Period** (*select one*):

5 Note: The length of the placement includes only the time the defendant is actually at
6 the treatment facility and shall be in addition to reasonable time for transport to or
7 from the treatment facility.

- 8 **45 Days:** A first felony inpatient restoration period of 45 days (for felony offenses that
9 are not classified as a violent offense under RCW 9.94A.030).
- 10 **90 Days:** A first felony restoration period of 90 days for a case where the highest charge
11 is a violent offense or where the defendant has been ordered to participate in outpatient
12 competency restoration.
- 13 **90 Days:** A second felony restoration period of 90 days. The court finds that a second
14 restoration period is appropriate under RCW 10.77.084 and RCW 10.77.086.
- 15 **180 days:** A third felony restoration of up to 180 days. To support this period of
16 restoration, the court or jury finds:
- 17 There is a substantial probability that the defendant will regain competency within a
18 reasonable period of time,
- 19 **and**
- 20 The defendant is:
- 21 A substantial danger to other persons, and/or
- 22 Presents a substantial likelihood of committing criminal acts jeopardizing public
23 safety or security.

24 **C. Medication:**

The treatment facility is authorized to administer clinically appropriate voluntary
medication for the purpose of competency restoration.

- There is a separate order regarding involuntary medications.
- The issue of involuntary medication may be addressed in a separate hearing.

1 **5. Access to Records:**

2 This signed court order shall serve as authority for the treatment facility (including outpatient
3 restoration provider) and DSHS to be given access to all records held by any mental health,
4 medical, educational, or correctional facility that relate to the present or past mental,
5 emotional, or physical condition of the defendant.

6 **Within 24 hours** of the signing of this order the following information shall be provided to
7 DSHS, the prosecuting attorney, and the defense attorney at the emails designated in the
8 distribution at the end of this order:

- 9 • The **clerk of the court** shall provide a copy of this order.
- 10 • Unless previously provided to DSHS and for the purpose of competency restoration, the
11 following materials shall be provided by the **prosecuting attorney**: The discovery
12 packet, charging document, understanding of the defendant’s criminal history, and any
13 written competency evaluation that was utilized in the court’s finding that the defendant
14 is not competent to proceed. DSHS shall forward previously received discovery packet
15 information to any contracted outside agency providing restoration services.
- 16 • The **jail administrator/jail health services** shall provide the defendant’s medical
17 clearance information to DSHS, if this order requires transportation for inpatient
18 competency restoration.

19 **6. Evaluation and Report:**

20 The evaluator designated by the secretary of DSHS shall evaluate the defendant’s
21 competency to stand trial before the end of the treatment period. The evaluator shall prepare
22 a written report with the results of the evaluation. The report shall ordinarily be distributed
23 by DSHS within 2 business days of the final evaluation.

24 **Defense Attorney Presence** (*Only check this box if defense counsel wants notice and the
opportunity to be present*):

The defense requests notification of the time and place of the evaluation at the contact
information provided. DSHS shall provide the defense attorney with reasonable notice
and opportunity to attend the evaluation. The defense attorney may be contacted at: _____

The evaluation may proceed without the defense attorney present if notice has been
provided.

The evaluation may not proceed without the defense attorney present.

A defense expert has been appointed under RCW 10.77.060 and DSHS is directed to
contact the defense attorney to determine whether the expert will be witnessing the
evaluation.

1 **Contents of Report:**

2 The report shall include all of the contents required in the initial Order for Competency
3 Evaluation. If this report follows the second treatment period, or the first treatment period if
4 the defendant’s incompetence is determined to be solely due to a developmental disability, or
5 if the evaluator concludes that the defendant is not likely to regain competency, then the
6 report must also include an assessment of the defendant’s future dangerousness.

7 Additional Requirements of Report (if any): _____
8 _____

9 **Copies of Report:**

10 DSHS shall furnish a copy of the written report of the results of the evaluation to the court,
11 the prosecutor, the defense attorney, the Designated Crisis Responder (DCR) for King
12 County and the Jail/Detention facility (if the defendant is currently held in the detention
13 facility).

14 **7. Transportation and Admission to the DSHS Designated Facility:**

15 This section is only applicable if the defendant will be undergoing inpatient restoration.

16 **In-custody Defendant:** The defendant shall be transported and admitted to the treatment
17 facility by the earlier of 7 days of DSHS’s receipt of this order or 14 days from the date
18 of this order as required by statute and case law.

19 The Jail/Detention facility shall transport the in-custody defendant from the
20 Jail/Detention facility to the treatment facility designated by DSHS and back.
21 Transportation to the treatment facility shall occur within 1 day of the receipt of an offer
22 of admission of the defendant for restoration treatment.

23 **Inpatient Defendant:** The defendant is currently admitted to a DSHS designated
24 facility.

Out-of-custody Defendant: Within 3 court days of entry of this order, the defendant’s
attorney shall contact DSHS to request notification of the admission date. The defendant
shall report to the DSHS designated facility as directed by DSHS. The defendant shall
obtain medical clearance prior to admission and shall follow the instructions of DSHS
regarding medical clearance.

8. Discharge:

Any treatment facility providing inpatient services related to competency shall discharge the
defendant as soon as the treatment facility determines that the defendant is competent to
stand trial. Discharge shall not be postponed during the writing and distribution of the
evaluation report.

1 The treatment facility shall promptly notify the court and all parties of the date on which the
2 competency restoration period expires by discharge from the treatment facility so that a
timely hearing date may be scheduled.

3 **9. Next Hearing:**

4 The next hearing date is scheduled for _____(date) at
5 _____AM/PM in _____(location)

6 If the defendant is admitted to a facility designated by DSHS from a Jail/Detention facility,
7 the defendant shall be returned to the Jail/Detention facility before this court date, except as
provided below:

- 8 All parties agree to waive the presence of the defendant or to the defendant's
9 remote participation at a subsequent competency hearing or to presentation of an agreed
10 order if the opinion of the treatment facility is that the defendant remains incompetent,
and the hearing is held prior to the expiration of the current commitment period. **The
11 report must be provided to the parties with sufficient time to accommodate remote
12 participation for entry of a continued restoration order.**

13 **10. Interpreter.**

14 The defendant requires the services of an interpreter in the following language
15 _____.

16 **11. Time for trial period remains tolled.**

17 Pursuant to CrR 3.3, the time for trial in this case is tolled until the defendant is found
18 competent to stand trial.

19 **12. Firearm Restriction.**

20 The defendant shall immediately surrender any concealed pistol licenses and the defendant
21 may not possess a firearm unless the defendant's right to do so is restored by a court of
22 record. The *Notice of Ineligibility to Possess a Firearm* is filed separately.

23 **13. Other.** _____
24 _____.

Dated: _____

Judge

Print Name: _____

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Approved as to form

Approved as to form

Deputy Prosecuting Attorney

Attorney for the Defendant

Print Name: _____

Print Name: _____

WSBA No. _____

WSBA No. _____